



1710 E. Franklin Street  
Richmond, Virginia 23223  
Phone: 804/644-1966 800/322-1144  
Fax: 804/343-3642

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FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2007 DEC -6 P 2:04

C. Richard Caswell  
Chair

Amy Reger  
Executive Director

November 2, 2007

Ms. Nancy Rodrigues  
Secretary  
Virginia State Board of Elections  
200 North 9<sup>th</sup> Street, Suite 101  
Richmond, VA 23219

**SENSITIVE**

Thomasenia P. Duncan, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

MUR # 5958

2007 DEC -5 A 11:23

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Dear Ms. Rodrigues and Ms. Duncan:

I am writing this letter to file a complaint with your respective offices regarding advertisements disseminated by Jeannemarie Devolites Davis's campaign for Virginia State Senate. Upon information and belief, Mrs. Devolites Davis is currently airing television advertisements and mailing print advertisements in connection with her campaign, at a cost of hundreds of thousands of dollars, that have been paid for directly by the congressional campaign committee of her husband, Congressman Tom Davis. The television ads and mailings not only fail to disclose the true source of the financing for these communications, but also falsely convey the impression that they were paid for entirely by Ms. Devolites Davis's campaign committee. This activity violates both State of Virginia and federal "stand by your ad" laws.

According to campaign reports filed by the Devolites Davis campaign on October 29, 2007 (attached as Exhibit A), the campaign has reported receiving almost \$400,000 of in-kind contributions from Mr. Davis's campaign committee for television and print media purchases. Further, while the Devolites Davis committee reports some expenditures for print media communications, it does not report any significant expenditures for television communications from its own funds over the past several months. Therefore, Mr. Davis's campaign committee would appear to have paid for the advertisements in whole or in part.

Attached as Exhibit B are mailings and a television advertising script of an advertisement currently run by Ms. Devolites Davis in connection with her campaign. Based upon information and belief, all campaign materials and advertisements disseminated on behalf of the Devolites Davis campaign contain a disclaimer that states "Paid for and Authorized by Jeannemarie Devolites Davis for State Senate." In a television advertisement, which is apparently paid for by the Davis for Congress campaign, Mrs. Devolites Davis appears at the end of the ad and states that her campaign sponsored the advertisement. The advertisement can be viewed at <http://www.youtube.com/watch?v=iGZklydbOeY>.

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The failure of the Devolites Davis campaign and Tom Davis for Congress to accurately disclose that Mr. Davis's congressional campaign committee paid for the print and television ads, in whole or in part, is a serious violation of both Virginia and Federal election laws.

#### **Violations of Virginia Law**

Virginia's "stand by your ad" law requires print and television advertisements sponsored by candidate campaign committees and others to identify who paid for the ads. See Code of Virginia, Sections 24.2-956 through 24.2-957.3. In addition, if such advertisements are jointly sponsored, then the required disclosure statement must "name all sponsors." Both print and television advertisements must have written disclosure legends, and television advertisements must have oral disclosure statements.

Thus, the Devolites Davis campaign committee and Davis Congressional campaign committee have violated these provisions by failing to properly identify the true sponsor or sponsors of the advertisements. Rather than properly identifying the fact that the communications disseminated by the Devolites Davis committee were paid for, in whole or in part, by Tom Davis for Congress, the Devolites Davis campaign advertisements give the false impression that they were paid for entirely by her campaign committee.

#### **Violations of Federal Law**

In addition, the Tom Davis for Congress committee, a political committee registered with the Federal Election Commission, has violated, and continues to violate, the Federal Election Campaign Act and FEC Regulations by financing the aforementioned ads, without disclosing that fact in the ads themselves. Section 2 U.S.C. § 441d(a) provides that "[w]henver a federal political committee makes a disbursement for the purpose of financing any communication any broadcasting station . . . mailing, or any other type of general public political advertising," the communication must "clearly state that the [it] has been paid for" by the committee.<sup>1</sup> This disclosure obligation applies regardless of whether the ads are paid for directly by the federal candidate's committee, as appears to be the case here, or whether the payments were made through the state campaign or other conduit -- so long as the purpose of the disbursement by the federal committee was to finance a public communication.

Moreover, the required disclosure "must be presented in a clear and conspicuous manner, to give the reader, observer, or listener adequate notice of the identity of the . . . political committee that paid for" the communication. 11 C.F.R. §110.11(a), (b), and (c). Television communications paid for by the authorized committee of a candidate must include either an on-screen appearance by the federal candidate in which the candidate identifies himself and conveys that he approved the ad, or a voice-over by the candidate

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<sup>1</sup> FEC Regulations clarify that the mailing includes a postal or facsimile mailing of an identical or substantially similar nature within any 30-day period. 11 C.F.R. §100.27. Upon information and belief, the mailings at issue here satisfy this requirement.

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to the same effect, accompanied by a clearly identifiable photographic or similar image of the candidate. 11 C.F.R. § 110.11(c)(3). In a printed communication, the disclosure must be contained in a printed box set apart from the other contents of the communication. 11 C.F.R. § 110.11(c)(2). As stated above, it is our understanding that Congressman Davis does not make an appearance or voice-over in any television advertisement paid for by his campaign committee on behalf of the Devolites Davis campaign, nor do the mailings accurately disclose that Congressman Davis's committee is the source of funding.

We urge the Virginia State Board of Elections and Federal Election Commission to promptly and thoroughly investigate these violations of both Virginia and federal election laws.

Sincerely,



C. Richard Cranwell  
Chairman  
Democratic Party of Virginia

Signed and sworn before me this 20<sup>th</sup> day of November, 2007

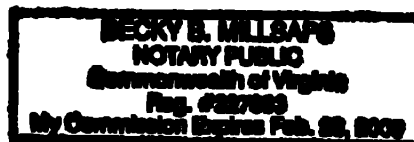
Becky B. Millsaps

Notary Public

Commission Expires: 2/28/09

Notary Seal

My Registration No.: 027883



Web Policy

Go

## On-line Campaign Finance Disclosure Reports

## Candidate Campaign Committee Report

### Schedule B - In-kind Contributions over \$100 in value

Office : SEN

Report Year : 2007  
Candidates : Devoltes Jeannemarie  
Report Codes : OCTN29\_07(0)  
Filing Period : 10/01/2007 - 10/24/2007

Results from the State Board of Elections WWW server, at 8:39:25 AM(eastern) on 10/31/2007

OCTN29_07	Agnew III James F. - 3524 Laurel Leaf Lane - Fairfax - VA - 22031	Blakey & Agnew LLC - Partner - Washington DC	Food and Drink for Fundraiser - Actual Cost	10/12/2007	150	150
OCTN29_07	Ames Matthew - 8939 Colebury Place - Fairfax - VA - 22031	Miller & Van Eaton - Lawyer - Washington DC	Food and Drink at fundraiser - Actual Cost	10/12/2007	150	150
OCTN29_07	Brubaker Carolyn - 10313 Lynhaven Place - Oakton - VA	Microsoft - Executive - Fairfax VA	Food for Fundraiser - Actual Cost	10/2/2007	350	1100

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Exhibit A

- 22124							
OCTN29_07	Capital One - 1660 Capital One Drive - McLean - VA - 22101	Credit Cards - McLean VA		Catering for Breakfast Fundraiser - Actual Cost	10/16/2007	125	125
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		CPC Corp - Research - Actual Cost	10/1/2007	1476.09	29834.55
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Van Metre - Office space - Actual Cost	10/1/2007	635.5	25167.16
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Dominion Va Power - Electric - Actual Cost	10/1/2007	105.68	25358.46
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Natco - Copier - Actual Cost	10/1/2007	65.62	25252.78
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Omar Terri - Campaign Staff - Actual Cost	10/1/2007	3000	28358.46

Results from the State Board of Elections WWW server, at 8:39:25 AM (eastern) on 10/31/2007 , Page 1 Of 2

OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA -	PAC - Same		Stevens/Reed/Curcio/Potholm - No. VA Cable - Actual Cost	10/11/2007	26255	56089.55
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Exhibit A

OCTN29_07	22003 Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Pridnia Design - Printing & Mailing - Actual Cost	10/17/2007	35256	91347.55
OCTN29_07	22003 Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		StevensReedCurcio&Potholm - NoVA cable - Actual Cost	10/18/2007	26255	117602.55
OCTN29_07	22003 Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Pridnia Design - Printing & Mailing - Actual Cost	10/19/2007	22651	140253.55
OCTN29_07	22003 Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Executive Press - Printing & Mailing - Actual Cost	10/22/2007	3463.75	143717.3
OCTN29_07	22003 Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		StevensReedCurcio&Potholm - Ad - Actual Cost	10/23/2007	91650	235367.3
OCTN29_07	22003 Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		StevenReedCurcio&Potholm - Ad - Actual Cost	10/24/2007	183465	418832.3
OCTN29_07	23059 Virginia Realtor PAC - 10231 Telegraph Road - Glen Allen - VA - 23059	PAC - Same		Software - Actual Cost	10/22/2007	2500	2500
Total contributions this period =							397555.64

Results from the State Board of Elections WWW server, at 8:39:25 AM(eastern) on 10/31/2007 , Page 2 Of 2

Exhibit A

**Virginia State Board of Elections**  
Suite 101, 200 North 9th Street, Richmond, Virginia 23219-3485  
Telephone: 804 864-8901 Toll Free: 800 552-8745 FAX: 804 371-0184



**Exhibit A**

**Leannemarie works across party lines to get real results. That's just what she did on transportation.**

**Jeannemarie led the fight for a transportation bill that means dedicated transportation funding for our area. That means progress on projects like:**

- ✓ **Widening I-66**
- ✓ **Fixing problem intersections across our area**
- ✓ **More money for Metro and VRE**
- ✓ **Addressing the host of small, irritating problems that plague our communities**

**Paid for and Authorized by Jeannemarie Devolles Davis for State Senate • P.O. Box 936, Vienna, VA 22183 • ph 703-248-0046 • [www.devollsdavis.com](http://www.devollsdavis.com) • DEJ-019**

## Learnmore Devolites Davis for State Senate

**P.O. Box 936**

**Vienna, VA 22183**

**AUTO-5-DIGIT 22030**

OR CURRENT RESIDENT

**FAIRFAX VA 2203C**

# Vote to re-elect State Senator



**Jeannemarie makes a difference**  
We need an effective voice in Richmond. That's Jeannemarie. On tough issues like transportation, education, and even cyber-security, Jeannemarie has made a difference. She cares. She delivers.

**Vote to re-elect State Senator Jeannemarie Devolites Davis** ☒

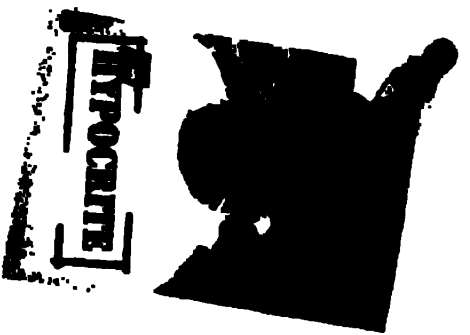
Pre-sort S&L  
U.S. Postage  
PAID  
on American Express  
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

### Exhibit B

29044223792





For ethical government,  
Petersen is the  
**WRONG choice.**  
Vote "no" on Petersen.

Paid for and Authorized by Jeannemarie Devollas Davis for State Senate • P.O. Box 936, Vienna, VA 22183 • ph 703-246-0046 • [www.devollasdavis.com](http://www.devollasdavis.com) • DEY-030

Jeannemarie Devollas Davis for State Senate  
P.O. Box 936  
Vienna, VA 22183



Recently Chap Petersen sent a piece of campaign mail out saying "DO NOT OPEN if you are a Richmond lobbyist or a legislator who is paid by a lobbyist, you aren't going to like what Chap's got to say." He goes on to say "In the Senate, Chap Petersen will sponsor laws to crack down on legislators receiving unearned income from lobbyists."

## For Petersen, reform should start with himself.

Chap Petersen was a partner at Bracewell & Patterson, one of Washington's top lobbying law firms while he served in the House of Delegates. And during that time, Petersen didn't disclose the industries that his lobbying law firm represented in his Statement of Economic Interests, as he was required to do.<sup>1</sup>

### Petersen's personal lobbyist loophole

While Chap served in the House of Delegates, his lobbying law firm was the chief lobbyist for Enron and a registered lobbyist for US Tobacco and two major oil companies. His firm also represented Bechtel Infrastructure, the very company that is building the Tyson's rail project under a no-compete contract.<sup>2</sup>

**He should have disclosed. He should have abstained. But he didn't.**  
Petersen was supposed to disclose who his firm was representing. He was supposed to abstain from votes where his firm's clients were involved. But Petersen didn't.

<sup>1</sup> - Chap Petersen, House of Delegates Statement of Economic Interests 2002, 2003, 2004, 2005

<sup>2</sup> - United States Senate US Lobby Registration and Reporting Database

Pre-ent Sit.  
U.S. Postage  
PAID  
Western American Nations

\*\*\*\*\*ECL07\*\*\*R077

OUR CURRENT RESIDENT

OAKTON VA 22124

Exhibit B

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**Text of Television Advertisement**

**Narrator:** When it comes to guns and taxes can anyone be more out of touch with Northern Virginia than Chap Petersen.

Peterson supports raising gas taxes 38 cents a gallon.

Supported higher estate taxes on families.

And Petersen actually supported allowing concealed handguns on school property.

He wouldn't even vote to ban hand guns at rec centers and libraries.

Chap Petersen. Wrong on guns and taxes. Wrong for Northern Virginia.

**Jeannemarie Devolites Davis:** I'm Jeannemarie Devolites Davis, candidate for state senate, and my campaign sponsored this ad.